

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Section 68.4(a) of the Commission's Rules)	WT Docket No. 01-
	309	
Governing Hearing Aid-Compatible Telephones)	RM-8658

Hearing Aid Compatibility Report

Wilkes Cellular, Inc. ("Reporter"), a digital wireless service provider, pursuant to the Federal Communications Commission's ("Commission" or "FCC") *Order* in WT Docket No. 07-309, FCC 03-168, 29 CR 1299 (August 14, 2003), hereby files a report concerning the availability of digital phones for the hearing impaired. This report does not address the reporting requirements of the *Order* which are properly addressed by handset manufacturers who are in the best position to report about their own activities.

I. Carrier Information

Reporter is a small Commercial Mobile Radio Services carrier that provides service in rural Georgia. Reporter has not received a request for a HAC handset.

II. Handset Discussion

Reporter has researched information for various manufacturers including Motorola, Nokia, LG, and Kyocera regarding hearing impaired phones. Our company does not offer any HAC-compliant handsets, or any handsets, at this time. As previously reported to the Commission in other filings, Reporter is caught in a technology glitch in its effort to overlay a GSM network over its analog network. That

system modification remains a serious problem for Reporter. Reporter cannot get the GSM billing system to work properly with home-based subscribers; the GSM system works for roamers including roamers utilizing HAC-compliant handsets. Because Reporter remains unable to offer GSM service to subscribers, Reporter does not offer any handsets at this time. Because Reporter does not offer any handsets to subscribers at this time, and because the Commission's regulations provide that "mobile service providers that offer two or fewer digital wireless handsets in the U.S. are exempt from the requirements of this section," 47 C.F.R. § 20.19(e)(1), Reporter qualifies for the *de minimis* exemption from the HAC-compliance requirement. Reporter acknowledges that the HAC-compliance rule would become applicable should Reporter offer more than two wireless handset models at some time in the future.

As one can imagine, Reporter has been working closely with vendors to resolve the networking/billing problem relating to subscribers. Reporter is working with a sixth company in the hopes that it can untangle the problems left by the initial network/billing system installers. Reporter is hopeful that the current vendor will be able to untangle the Gordian knot which has haunted Reporter for more than two years. With the anticipation that Reporter will soon be able to offer home-based subscriber service, and as discussed below, Reporter seeks the relief the Commission extended to 850 MHz GSM service providers.¹

III. Hearing Aid Compatible Handset Labeling/Insert Requirement

¹ Reporter does not offer 1900 MHz service. However, Reporter is not aware that there are any single mode 850 MHz GSM phones which are HAC-compliant at this time. Accordingly, when Reporter is capable of providing GSM subscriber service it would seem that Reporter's HAC-compliant handset choices will be as limited as those carriers which offer dual mode service.

Not applicable because Reporter is not distributing mobile service handsets at this time. *See* Section II. above.

IV. Outreach Efforts & Interoperability

Not applicable because Reporter is not distributing mobile service handsets at this time. *See* Section II. above.

V. Notification of Election of Relief

Pursuant to the Commission September 8, 2005, *Memorandum Opinion and Order (MO&O)*, FCC 05-166, 20 FCC Rcd. 15108 (FCC 2005), Reporter hereby requests an extension to August 1, 2006, by which to begin distribution of HAC-compliant handsets for the GSM 850 MHz system. In support of this request the Commission is advised that Reporter has periodically contacted its handset manufacturers to inquire as to the availability of HAC-compliant dual-mode handsets for use in 850 MHz GSM systems. As of this time, however, none are available. Beyond making such inquiries, Reporter's ability to affect any manufacturing changes is limited by Reporter's small carrier status and lack of market power. Reporter will provide further information on its efforts to offer HAC-compliant dual-mode GSM phones in its May 17, 2006, HAC-compliance report. Reporter agrees to abide by the Commission's consumer outreach requirements specified in the *MO&O*, including, 1) offering a thirty-day trial period or otherwise adopt an acceptable, flexible return policy for consumers seeking to obtain hearing aid-compatible GSM digital wireless handsets; 2) including detailed information in Reporter's May 17, 2006, hearing aid compatibility compliance report that describes and discusses with specificity efforts to ensure a thirty-day trial period or otherwise flexible return policy for consumers seeking to obtain hearing

aid-compatible GSM digital wireless handsets;² and 3) Reporter makes reasonably available to disabled subscribers and disabled potential subscribers of HAC-compliant 850 MHz GSM phones, via the retail handset distribution facility, current technical and anecdotal information regarding the hearing aid compatibility of specific GSM digital wireless handsets.³

Respectfully Submitted,

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² The *MO&O* indicated that such information was also to be included in the instant report. However, it is not apparent that Reporter can report on efforts to provide a 30 day trial period and/or flexible return policy where HAC-compliant dual-mode handsets are not being distributed owing to its unavailability from the manufacturer and Reporter's unique circumstances regarding its GSM overlay problem discussed in Section II above. When HAC-compliant dual-mode handsets become available, and when Reporter begins distributing mobile handsets, Reporter will instruct its handset distribution system to allow for in store testing, a 30 day trial period, and a flexible return/contract cancellation policy if the HAC-compliant handset does not perform with the hearing aid in the manner the disabled person expected.

³ Due to some continuing problems beyond Reporters' control Reporter's GSM overlay is not yet providing service to subscribers so Reporter is not yet in a position to distribute HAC-compliant GSM handsets at this time in any event.

Reporter's Attorney